



Nevada State Board of Medical Examiners

*** * * MINUTES * * ***

OPEN SESSION

EMERGENCY TELEPHONE CONFERENCE CALL BOARD MEETING

Board Office Conference Room
1105 Terminal Way, Suite 301, Reno, NV 89502

FRIDAY, APRIL 22, 2005 – 11:30 A.M.

Board Members Present at Board Office

Jean Stoess, M.A.

Board Members Present by Telephone

Stephen K. Montoya, M.D., President

Joel N. Lubritz, M.D., Vice President

Marlene J. Kirch

Javaid Anwar, M.D.

Cindy Lamerson, M.D.

Staff Present at Board Office

Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Bonnie S. Brand, J.D., General Counsel

Douglas C. Cooper, Chief of Investigations

Lynnette L. Krotke, Chief of Licensing

Shawna M. Rice, Investigator

Angelia L. Donohoe, Administrative Assistant

CALL TO ORDER

The AT&T telephone conference call operator took roll call, and the meeting was called to order at 11:30 am by President Stephen K. Montoya, M.D.

IN THE MATTER OF Mohammad Hassan Fani-Salek, M.D.

General Counsel Bonnie S. Brand, J.D. asked if all adjudicating members had received and reviewed the materials sent to them prior to the meeting concerning this matter, including the complaint and exhibits, and all members indicated they had.

Dr. Lubritz asked if Board staff had heard from Dr. Nejad, and Ms. Brand stated they had not heard anything else.

As there were no further opening questions, Ms. Brand then read the proposed findings of the Board, as follows:

1. That unforeseen circumstances have arisen and exist that pose a risk of impairment of the health and safety of the public and that require immediate Board action.

2. That in 2001, the Nevada State Board of Medical Examiners issued Respondent a limited license to practice medicine as a resident physician in the State of Nevada.

3. That on April 9, 2004, the Nevada State Board of Medical Examiners issued Respondent an unlimited license to practice medicine in the State of Nevada.

4. That the Licensing and the Investigations Divisions of the Nevada State Board of Medical Examiners became suspicious of the reliability of Respondent's documentation of graduation from the Shahid Beheshti medical school in Iran and began an investigation in November of 2004.

5. That in December of 2004, Respondent voluntarily ceased practicing as a physician pending resolution of the investigation of his medical school graduation.

6. That Respondent traveled to Iran in January 2005 and remains there as of this date in his continuing attempts to verify his medical school graduation.

7. That reliable evidence exists to prove that Respondent did not graduate from Shahid Beheshti medical school.

8. That the investigation has continued to the present date and Respondent has been unable to sufficiently prove that he has graduated from any medical school.

9. That without proof of graduation from medical school, Respondent poses a risk to the health, safety and welfare of the public and any patients he sees in the State of Nevada or any other state.

Ms. Brand asked if there were any further questions regarding the proposed order, and members indicated there were not.

Dr. Montoya asked if there was a motion to adopt the findings.

Mrs. Kirch moved that the Board adopt the findings as read by Ms. Brand. Dr. Anwar seconded the motion, and it passed unanimously.

Dr. Montoya then asked for a motion on summary suspension. Mrs. Kirch moved that the Board summarily suspend Dr. Fani-Salek's license to practice medicine in Nevada. Dr. Lamerson seconded the motion.

Dr. Lubritz asked for discussion, and if it was more proper to "revoke" or "suspend" the license.

Tony Clark answered that summarily suspending is appropriate in order to ensure due process for Dr. Fani-Salek.

Ms. Brand stated that the hearing on this matter could be set for June 28, 2005.

Dr. Lamerson asked if other states would be notified of the summary suspension.

Doug Cooper stated other states would be notified of the summary suspension through the Federation of State Medical Boards.

Dr. Lamerson asked whether, if a revocation were the end result, this would be a felony for Dr. Fani-Salek.

Tony Clark answered that in that event, the Board would make proper notification to the appropriate district attorney for a charge of practicing medicine without a license.

As there were no further questions in regards to summary suspension, Dr. Montoya stated a motion had been made and seconded and called for a vote, which was unanimous for the summary suspension of Dr. Fani-Salek's license to practice medicine in Nevada.

ADJOURNMENT

There being no further business, Dr. Montoya adjourned the meeting at 11:45 a.m.